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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,747	10/22/2003	Koichi Maari		3983

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EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,747

Applicant(s)

MAARI, KOICHI

Examiner

Mary Cheung

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Status of the Claims

1. This action is in response to the preliminary amendment filed on October 22, 2003. Claims 38-49 are pending. Claims 1-37 are canceled. Claims 38-49 are newly added.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on March 26, 1997. It is noted, however, that applicant has not filed a certified copy of the Japanese application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 38-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al., U. S. Patent 5,892,900.

As to claims 38-39, 42, 44-45 and 48-49, Ginter teaches a method and an apparatus to receiving a content transmitted from a content server (*VDE Content Creator 102 of Fig. 2*), receiving the content key and the use condition transmitted from an administration center (*VDE Right Distributor 106 of Fig. 2*), transmitting the content to the reproduction apparatus (*VDE Content User 112 of Fig. 2*), and transmitting the content key and the use condition to the reproduction apparatus (column 56 line 6-29 and column 57 line 56 – column 58 line 12 and column 59 lines 42-54 and Figs. 2, 5B;

specifically, "content key and the use condition" corresponds to rules and controls in Ginter's teaching).

Ginter does not specifically teach that the receiving steps as discussed above are in response to transmitting requests. However, it would have been obvious to one of ordinary skill in the art to allow the receiving steps in Ginter's teaching to be processed in response to transmitting requests so that senders would know when to transmit the requested information.

Ginter does not specifically teach the content are received from the content server, the content are transmitted to the reproduction apparatus, and the content key and the usage condition are encrypted. However, Ginter teaches secure processing unit (SPU) is presented to each communication node for providing encryption and decryption process (column 48 line 64 – column 49 line 12 and column 190 lines 26-27 and Figs. 7, 9). It would have been obvious to one of ordinary skill in the art to allow the content are received from the content server, the content are transmitted to the reproduction apparatus, and the content key and the usage condition in Ginter's teaching to be encrypted for better preventing unauthorized access of sensitive information.

As to claims 40 and 46, Ginter teaches the information related to contents includes metadata of the contents (column 284 lines 15-21).

As to claims 41 and 47, Ginter teaches a content ID is added to the content and the use condition includes the content ID corresponding to the content that the

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reproduction apparatus authorized use accordance with the use condition (column 58 line 22 – column 59 line 6 and column 205 lines 14-20 and column 322 lines 50-63).

As to claim 43, the modified teaching of Ginter as discussed in claim 38 above further teaches the step of decrypting the encrypted content key (column 48 line 64 – column 49 line 12 and column 59 lines 50-54 and column 190 lines 25-26 and Figs. 7, 9).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stefik et al. (U. S. Patent 5,629,980) discloses controlling the distribution and use of digital works.

Benson et al. (U. S. Patent 5,845,281) discloses managing a data object so as to comply with predetermined conditions for usage.

Chou et al. (EP 0 478 969 A2) discloses protecting multiple copies of computer software from unauthorized use.

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Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 872-9306 (Official Communications; including After Final
Communications labeled "BOX AF")

(703) 746-5619 (Draft Communications)

Hand delivered responses should be brought to Crystal Plaza Two, Room 1B03.

Mary Cheung
Patent Examiner
Art Unit 3621
February 21, 2005

